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MEMO ENDORSED

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VIA CM/ECF

Hon. Valerie E. Caproni
United States District Judge
U.S. District Court for the
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: *Haythe, et al. v. Samsung Electronics America, Inc.*, No. 1:22-cv-03509-VEC

Dear Judge Caproni:

We represent Defendant Samsung Electronics America, Inc. (“SEA”) in the above-referenced action. We write to request that the Court adjourn the initial pretrial conference, which is currently scheduled for July 1, 2022, and the related obligations of the parties to submit their joint status letter and proposed case management plan on June 23, 2022. This is the first request for adjournment, and Plaintiffs consent to the requested adjournment.

The parties believe these steps would be premature at this juncture when SEA has not responded to the complaint. Moreover, SEA intends to file a motion to compel arbitration on the basis that Plaintiffs agreed to resolve their claims against SEA in arbitration, not in court.¹ SEA thus submits that the Court should postpone case scheduling and planning activities until after that motion is resolved. *See, e.g., McDaniel v. Home Box Office, Inc.*, No. 22-cv-01942-VEC (S.D.N.Y. May 18, 2022), ECF No. 23 (adjourning initial pretrial conference and related deadlines pending decision on motion to compel arbitration); *Chu v. Samsung Elecs. Am., Inc.*, No. 18-cv-11742 (S.D.N.Y. Jan. 30, 2019), ECF No. 13 (adjourning initial pretrial conference and related deadlines pending filing of motion to compel arbitration and motion to dismiss).

SEA submits that it would be more efficient and productive to discuss case scheduling and planning after the Court issues its ruling on its forthcoming motion(s), which will have an impact on the scope and timing of discovery and other proceedings, as well as whether this matter will proceed in arbitration as opposed to this Court.

¹ Plaintiffs disagree that they agreed to resolve their claims against SEA in arbitration, and they will oppose Defendant’s forthcoming motion.

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Accordingly, SEA requests that the Court adjourn the initial pretrial conference and related obligations to appropriate dates following the Court's ruling on SEA's motion(s).

We thank the Court for its attention in this matter.

Respectfully submitted,

/s/ Arthur E. Brown

Arthur E. Brown

cc : Neal J. Deckant, Esq.
Frederick J. Klorczyk, Esq.
Max S. Roberts, Esq.

(by CM/ECF)

Application GRANTED. The initial pretrial conference scheduled for July 1, 2022 is hereby adjourned *sine die*. The Court reminds the parties that Defendant's deadline to answer, move, or otherwise respond to the complaint is **June 23, 2022**. If Defendant does not move to compel arbitration by that deadline, then the Court will re-schedule the initial pre-trial conference.

SO ORDERED.



Date: 6/15/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE